IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Todd A. Newville		Art Unit	: 2683
Serial No.	: 09/843,536		Examiner	: Sharad K. Rampuria
Filed	: April 25, 2001		Conf. No.	: 7416
Title	: INFORMATION PORTAL			

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD BRIEF ON APPEAL

(1) Real Party in Interest

The real party in interest is Gannett Satellite Information Network, Inc., a Delaware corporation having a place of business at 7950 Jones Branch Drive, McLean, Virginia as evidenced by an assignment executed April 2, 2004 and recorded at the U.S. Patent Office on April 5, 2004, at Reel/Frame 014491/0430.

(2) Related Appeals and Interferences

Neither Appellant, nor Appellant's legal representative, nor the assignee are aware of any appeals or interferences that will directly affect or be affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

No claims are allowed. Claims 3-5 have been cancelled. Claims 1-2 and 6-20 are rejected and on appeal. Of these, claims 1, 2, 19, and 20 are independent.

(4) Status of Amendments

No amendments have been made after a final rejection.

(5) Summary of Claimed Subject Matter

1. A communication system comprising:	Shown generally in FIG. 1.
a stationary transceiver defining an information portal in a vicinity thereof; and	Stationary transceivers (**14a-n**) are described on page 4, lines 6-12 as defining corresponding information portals **16a-n**. These are also shown in FIG. 1.
a local server in communication with said transceiver, said local server	A local server **12** is described on page 4, lines 6-

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being configured	12 and shown in FIG. 1.
to respond to entry of a mobile processing-system present within said information portal, and	See page 5, lines 13-16. See also page 8, lines 24-26.
to provide, to said mobile processing system, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

2. A communication system comprising	
a stationary transceiver defining an information portal in a vicinity thereof;	Stationary transceivers (**14a-n**) are described on page 4, lines 6-12 as defining corresponding information portals **16a-n**. These are also shown in FIG. 1.
a local server in communication with said transceiver, said local server being configured	A local server **12** is described on page 4, lines 6-12 and shown in FIG. 1.
to identify and respond to a mobile processing-system present within said information portal, and	See page 5, lines 13-16. See also page 8, lines 24-26.
to perform a function on the basis of the identity of said mobile processing-system, said function being selected from the group consisting of:	See page 5, line 19 - page 7, line 2.
permitting building access to a portion of said building; and	See page 4, lines 22-26.
controlling an elevator in said building.	See page 4, lines 5-11.

19. A communication system comprising:	
a plurality of stationary transceivers, each configured for wireless communication with a mobile processing system present in a corresponding information portal; and	Stationary transceivers (**14a-n**) are described on page 4, lines 6-12 as defining corresponding information portals **16a-n**. These are also shown in FIG. 1.
a server system in communication with each of said stationary receivers, said server system having a link to a global computer network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system	A local server **12** is described on page 4, lines 6-12 and shown in FIG. 1. See page 7, lines 8-10 for "link to a global computer network." For "wireless access to said global computer network," see page 8, lines 26-31 and page 7, lines 13-16.
In response to entry of said mobile processing system into an information portal, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

20. A method for providing a mobile processing system with wireless access to a global computer network, said method comprising:	
maintaining an information portal;	See page 4, lines 6-12.
establishing wireless communication between said mobile processing system and a server system following entry of said mobile processing	See page 5, lines 13-16. See also page 8, lines 24-26.

system into said information portal; and	
causing data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal to be provided to said mobile processing system, in response to entry of said mobile processing system into said information portal.	See page 7, line 21 to page 8, line 26.

Claim 8

The additional limitation of stationary transceivers **14a-n** in the locations listed in claim 8 are disclosed on page 9, lines 1-5, on page 4, lines 23-30, and between page 5, line 30 and page 6, line 13.

Claim 14

The additional limitation of a fulfillment server **46** that includes a user interface **54** is described on page 8, lines 14-17 and shown in FIG. 1.

Claim 16

The additional limitation of a fulfillment server **46** with a user interface **54** as recited in claim 16 is shown in FIG. 3 and described on page 8, lines 14-17.

Claim 17

The additional limitation of a fulfillment server configured to provide information indicative of an occurrence of a condition, as recited in claim 17, is disclosed at page 8, lines 12-23.

Claim 18

The additional limitation of claim 18, namely a fulfillment server configured to provide interactive services to a mobile processing unit, is disclosed at page 9, lines 17-21.

(6) Grounds of Rejection to be Reviewed on Appeal

1. Independent claims 1, 19, and 20 stand rejected as being rendered obvious under § 103(*a*) by the combination of *Calvert*, et al., U.S. Patent 6,526,275 and *Richton*, et al., U.S. Patent 6,650,902.

2. Independent claim 2 stands rejected as being rendered obvious under § 103(*a*) by the combination of *Calvert* et al., U.S. Patent No. 6,526,275; *Ritter*, U.S. Patent No. 6,657,538, and *Lumme*, et al., U.S. Patent 5,554,832.

3. Dependent claim 8 stands rejected as being rendered obvious under § 103(a) by the combination of *Calvert*, *Richton*, and *Needham*, U.S. Patent No. 7,174,173.

4. Dependent claim 14 stands rejected as being rendered obvious under § 103(a) by the combination of *Calvert* and *Richton*.

5. Dependent claim 16 stands rejected as being rendered obvious under § 103(a) by the combination of *Calvert* and *Richton*.

6. Dependent claim 17 stands rejected as being rendered obvious under § 103(a) by the combination of *Calvert* and *Richton*.

7. Dependent claim 18 stands rejected as being rendered obvious under § 103(a) by the combination of *Calvert* and *Richton*.

(7) **Argument**

Calvert[1]

  Calvert discloses a system that allows a user, who is within the coverage zone of a base transceiver **104**, to specify a particular product or service and to receive information about where to acquire that product or service within or near that coverage zone. For example, a motorist with a flat tire could ask for information about "tires" on his wireless device **101**. The *Calvert* system could then identify the location of the wireless device **101**. On the basis of this location, the

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[1] *Calvert*, U.S. Patent No. 6,526,275.

context-engine server **109**, the product-provider servers **120**, and the wireless system controller **107** would cooperate to send the motorist information about nearby tire shops.

Clearly, by the time the motorist requested information about a tire shop, he would already have entered the coverage zone in which he had a flat tire. After all, the motorist would have had no way of knowing that he would have a flat tire within that coverage zone. Thus, *Calvert* does not disclose or suggest anything about "data previously requested for said mobile processing system prior to entry of said mobile processing system into" any "information portal."

Richton[2]

Richton discloses a system that allows a user to specify certain rules. These rules can cause information to be sent to the user when the user reaches a particular location. For example, a motorist could define a rule that causes airline flight arrival information to be sent to the motorist when the motorist enters the coverage zone of a base station **203-1** (see *Richton* FIG. 3) that is close enough to the airport.[3]

In this case, the airline flight arrival information was never requested *before* the entry of the motorist into the designated coverage zone. The flight arrival information was only requested *after* entry into the coverage zone. By postponing the actual request for information until then, *Richton* ensures that the information is current.

Section 103 rejection of claims 1, 19, and 20

The Examiner suggests that one of ordinary skill in the art would have found the subject matter of claim 1 obvious in view of *Calvert* and *Richton*.

In *Calvert*, the system sends the user his requested information as soon as possible. One of ordinary skill in the art would have regarded this as a sensible idea, since any delay would, at the very least, try the user's patience. Since the user is mobile, any delay could also result in the information being rendered obsolete. For example, if by the time the system sends information about goods within a coverage zone, the user has migrated from one coverage zone to another, the information would be obsolete. Despite these obvious disadvantages, the Examiner proposes

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[2] *Richton*, U.S. Patent No. 6,650,902.
[3] *Richton*, abstract.

that one of ordinary skill in the art would have purposefully delayed *Calvert*'s information delivery.

The Examiner has attempted to articulate a reason for why one of ordinary skill in the art would have found it obvious to introduce this delay. Since the Examiner's reason is somewhat difficult to understand, Applicant quotes it in its entirety for the Board's consideration:

> "Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to including data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal in order to developing a system which tailors beneficial information to specific individuals exists"[4]

In rejecting claim 1, the Examiner concedes that *Calvert* fails to teach a local server that provides "data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal."

The Examiner nevertheless suggests that one of ordinary skill in the art would have found it obvious to introduce a delay in *Calvert*'s system. Specifically, the Examiner suggests that it would have been obvious to modify *Calvert*'s context-engine server:

1. to receive a request from a user *outside* an information portal;

2. to delay fulfilling that request until the user has entered the information portal; and

3. finally, after the user has entered the information portal, to consummate the user's earlier request for information.

In effect, the Examiner suggests that one of ordinary skill in the art would have found it obvious to introduce a delay into *Calvert*'s system for the purpose of "developing a system which tailors beneficial information to specific individuals."[5]

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[4] *Office Action*, pages 3-4.
[5] *Office Action*, page 4.

The Federal Circuit has held that a modification that renders the prior art unsuited for its intended purpose is not an obvious modification.[6] According to the MPEP,

"[i]f proposed [sic] modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."[7]

The *Calvert* system's intended purpose is to quickly provide information to a user about product availability near the user's location. Any delay in providing information to the user would undermine the system's ability to carry out this function, thereby rendering it "unsatisfactory for its intended purpose." For example, if the delay is too long, the user may have already left the area, in which case the information provided would no longer be of value.

The Examiner's proposed modification thus amounts to forcing the *Calvert* system to wait until the user has entered an information portal before providing the user with information that he requested prior to his entry into the information portal. One of ordinary skill in the art would have recognized this as an unnecessary delay that would frustrate the user, risk making the requested information obsolete, and in general render the prior art unsuitable for its intended purpose.

Section 103 Rejection of Claim 14

Claim 14 recites the additional limitation that the fulfillment server included "a user interface for enabling a user to cause said fulfillment server to collect selected information."

The Examiner has drawn attention to the product-provider servers **120** in FIG. 1, and to a passage that describes how the product-provider servers **120** communicate with the context-engine server **109** on link **122**. As best understood, the Examiner regards these "product-provider servers" as claim 14's "fulfillment servers."

The "user" in *Calvert* is clearly the person who operates the wire line communication device **101**. The product-provider servers **120** do not communicate with these devices **101**. Instead, they communicate with the wireless system controller **107**. Since the product-provider

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[6] *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).
[7] MPEP 2143.01, referring to *In re Gordon*.

server **120** never communicates directly with a user, there would be no need to provide it with any user interface, as required by claim 14.

In rejecting claim 14, the Examiner appears to regard the context-engine server **109** as being "a user," in which case whatever protocol is used to communicate between context-engine server **109** and product-provider server **120** would become the required "user interface" of claim 14. However, this contrived construction is inconsistent with how one of ordinary skill in the art would understand either "user" or "user-interface." For example, even the cited reference *Calvert* reserves "user" to refer to those who use communication devices **101**.[8]

The Examiner construes "user" to include any entity whatsoever that communicates with a computer. Applicant recognizes that the Examiner is entitled to apply the broadest reasonable definition of a claim, but that definition must be consistent with how one of ordinary of ordinary skill in the art would construe the claim in light of the specification.

Applicant's specification describes how a human being, a user, would use a user interface to interact with the fulfillment server to specify the data to be delivered. Thus, within the context of Applicant's specification, a "user" is clearly a human being who communicates with the fulfillment server and specifies the desired information; and a "user-interface" is what the user uses to communicate with the fulfillment server.

In this case, the proposed construction of the claim language is unreasonable on its face. One of ordinary skill in the art who has read the specification would not conclude that "user" also meant a computer communicating with another computer, or that a "user interface" would include protocols such as TCP/IP for enabling one computer to communicate with another. Indeed, under the Examiner's proposed claim construction, it would be virtually impossible to have a computer without a user interface, even if that computer never interacted with a human being.

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[8] *Calvert*, col. 2, lines 45-53 "Therefore, a need exists for a method and communication system for informing a user of a communication device where to obtain a product and a system to provide product information…to the user at the time the user needs or likely needs such information and wherein the product information relates to the product-providers that are located, or at least have distribution locations, near the current location of the user."

The proposed construction of "user" as including any entity that communicates with a computer becomes even more absurd when one considers that communication invariably proceeds in both directions. Therefore, under the proposed construction of "user," when two computers communicate with each other, each one would be a user of the other. This proposed construction would thus eviscerate the meaning of "user."

For each of the foregoing reasons, the proposed construction of "user interface" and "user" is inconsistent with how one of ordinary skill in the art would understand those terms in view of the specification.

Section 103 rejection of claim 16

Claim 16 recites the additional limitation that the fulfillment server include a user interface for enabling a user to cause the fulfillment server to detect an occurrence of a condition.

As discussed in connection with claim 14, under the Examiner's proposed mapping of claim elements to *Calvert*, the fulfillment server would be the product-provider server **120** and the user would be the context-engine server **109**. As noted above in connection with claim 14, this mapping assumes that "user" and "user interface" would include machines and communication protocols.

However, even assuming arguendo that the "user" is the context-engine server **109**, the additional limitation of claim 16 is not met. *Calvert*'s context-engine server **109** simply asks the product-provider server **120** for information. It does not cause the product-provider server **120** to detect the occurrence of any condition.

The cited text[9] refers to cases in which the context-engine server **109** provides certain information to the product-provider server **120**, which that server **109** then uses to determine the likelihood that the user will actually purchase the product. But in that case, the fulfillment server **120** would not be "detecting" an occurrence of a condition. Instead, the fulfillment server would merely be receiving, from the product-provider server **120**, information about the user's history.

Section 103 rejection of claim 17

Claim 17 recites the additional limitation that the fulfillment server be configured "to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user."

The Examiner appears to have mapped claim 17's "fulfillment server" to correspond to *Calvert*'s product-provider server **120** and claim 17's "local server" to correspond to wireless system controller **107**, which may contain the context-engine server **109**. In some cases, according to *Calvert*, the context-engine server **109** provides historical information about the user to the product-provider server **120**.

In *Calvert*, to the extent the product-provider server **120** detects an occurrence of a condition, it does so on the basis of information provided to it by the context-engine server **109**. Under those circumstances, it would make no sense for the product-provider server **120** to tell the content engine server **109** about the occurrence of the condition. After all, it would have been from context-engine server **109** that the product-provider server **120** learned of the occurrence of the condition in the first place.

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[9] *Calvert*, col. 9, lines 13-34. "The context engine server **109** conveys at least a product information request to the selected product provider servers **120** via communication link **122** (preferably the Internet). In addition to a product information request, the context engine server **109** may also convey specific information about the communication device user or general demographic information of the device user to the selected product providers **120** if the operator of the context engine server **109** had previously solicited such information from the device user (e.g., via a survey) or the wireless subsystem operator and the device user had given the operator of the context engine server **109** authorization to provide such information to the product providers **120**. Such additional consumer information enables the product providers **120** to determine the likelihood that the device user will actually purchase or otherwise obtain (e.g., free of charge if so offered) their products and, therefore, whether or not to expect a financial return or other benefit from the costs of advertising their products to the device user."

It is apparent therefore that *Calvert* fails to teach the additional limitation of claim 17.

Accordingly, even if one were to combine *Calvert* and *Richton* as the Examiner proposes, the result would still fail to teach the additional limitation of claim 17.

Section 103 rejection of claim 18

Claim 18 recites the additional limitation that the fulfillment server be "configured to provide interactive services to said mobile processing unit."

In rejecting claim 11, the Examiner maps Applicant's "fulfillment server" to *Calvert*'s product-provider server **120**. But the product-provider server **120** is only in communication with context-engine server **109**. There is no indication that the users of the mobile devices **101**, **102** ever interact with the product-provider servers **120**. Therefore, the product-provider server **120** (i.e., the "fulfillment server") does not "provide interactive services to said mobile processing unit" (i.e., mobile devices **101**, **102**).

Section 103 rejection of claim 8

Claim 8 recites the additional limitation that the stationary transceiver be located in either an elevator, a lobby, or a vehicle.

The Examiner concedes that even in one were to modify *Calvert* as disclosed by *Richton*, the result would still fail to teach claim 8's additional limitation. To piece together the system recited by claim 8, the Examiner must add a third reference, *Needham*.[10]

Needham teaches a system for providing information to occupants of a vehicle on the basis of the vehicle's location and direction of travel. Such information might include, for example, traffic information. Referring to *Needham*'s FIG. 1, vehicle **16a** uses antenna **22a** to send a request for information to server **10**. The request includes location data provided by GPS unit **18a**. In response, server **10** retrieves appropriate information from its linked audio database **12** and sends that information to vehicle **16a** via wireless link **15**.

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[10] *Needham*, et al., U.S. Patent No. 7,174,173.

It is unclear precisely what structure in vehicle **16a** could possibly correspond to "a stationary transceiver defining an information portal in a vicinity thereof." There are, however, three candidate structures that function as transceivers in FIG. 1: (1) the wireless link **15**; (2) the transceiver connected to antenna **22a**; and (3) the transceiver associated with GPS unit **18a**. It is useful therefore to consider each of these in detail:

The wireless link **15** defines a coverage zone that may be regarded as an "information portal." But the wireless link **15** is not in the vehicle. Nor is it in an elevator or a lobby. Therefore, the wireless link **15** cannot be claim 8's "stationary transceiver."

The vehicle **16a** inherently includes some sort of two-way radio associated with antenna **22a**. This two-way radio would presumably be in radio communication with *Needham*'s server **10** via wireless link **15**. It may be that the Examiner regards this two-way radio as defining an "information portal" within the vehicle, and that the server **10** would then correspond to the claimed "local server."

Needham contains no disclosure to suggests that a two-way radio associated with antenna **22a** on vehicle **16a** is anything more than a two-way radio that communicates with wireless link **15**. Such a radio would be much like a conventional two-way radio found in taxis or police cars, with the only difference being the nature of the information transmitted, and its source. There is no reason to believe that such a radio would be sensitive to the presence of any mobile processing device within the vehicle. Hence, there is no suggestion that a two-way radio defines any "information portal."

The only remaining candidate for a "stationary transceiver" within the vehicle **16a** is GPS unit **18a**. The GPS unit also includes a transceiver that presumably has some coverage zone, which the Examiner presumably regards as defining "an information portal in a vicinity thereof." But like the two-way radio associated with antenna **22a**, the GPS unit **18a** is oblivious to the presence of any mobile processing system within the vehicle. The only "mobile processing device" present within the GPS unit's "information portal" is the GPS satellite itself.

A satellite in geosynchronous orbit would thus have to be viewed as "a mobile processing device" within an "information portal." This information portal would, of course, extend from the vehicle upwards, a third of the way to the moon. This is clearly an absurd claim construction that is inconsistent with how one of ordinary skill in the art would interpret the specification.

Moreover, even if one were to accept the absurd proposition that the "mobile processing system" of claim 1 includes a satellite in geosynchronous orbit, the claim limitation would not be met because the "local server in communication with" the GPS unit, which would presumably be server **10**, cannot possibly respond "to *entry* of said mobile processing system (i.e. the satellite) into said information portal." This is because the GPS satellite, being in geosynchronous orbit, would *always* be within the information portal, and would therefore never be able to "*enter*" it.

Finally, it is not altogether clear that a GPS satellite could even be regarded as a "mobile processing device" to begin with. After all, since a GPS satellite is in geosynchronous orbit, it is effectively stationary relative to the earth, and is therefore not "mobile" within the meaning of the claim as construed in light of the specification. In fact, it is this absence of mobility that prevents the satellite from entering or leaving the information portal, and which therefore presents the claim limitation of responding "to *entry* of a mobile processing system."

An obviousness rejection under section 103 requires that the Examiner provide some cogent chain of technical reasoning for why one of ordinary skill in the art would have combined the teachings of the references to yield the claimed invention. In this case, the Examiner supports the obviousness of modifying *Calvert* and *Richton* according to the teachings of *Needham* as follows:

> "Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including [sic] wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle in order to providing information to vehicles, based on their position."[11]

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[11] *Office Action*, page 7.

with the phrase "providing information to vehicles based on their position" having been taken verbatim from *Needham*, col. 1, lines 6-7.

But *Richton* already carries out the function of "providing information to vehicles based on their position." For example, *Richton*'s system sends flight arrival information to a vehicle when the vehicle is close enough to the airport.[12] Thus, the Examiner appears to be proposing that *Needham* be combined with *Richton* and *Calvert* for the purpose of carrying out a function that is already carried out by that combination, even without *Needham*.

A person of ordinary skill in the art is presumed to have some common sense. It appears contrary to common sense go through the trouble of modifying *Richton* and *Calvert* for the purpose of providing a function that is already carried out by the combination of *Richton* and *Calvert*.

Section 103 Rejection of Claim 2
The Examiner rejects claim 2 as being rendered obvious by the combination of *Calvert* and either *Ritter*[13] or *Lumme*.[14]

Ritter fails to teach claim limitation
The Examiner suggests that *Calvert* teaches all limitations of claim 2, but without the local server being configured "to perform a function on the basis of the identify of said mobile processing-system, said function being selected from the group consisting of: permitting building access to a portion of said building."

The Examiner draws attention to *Ritter* as teaching the idea of "permitting building access to a portion of said building" and doing so "on the basis of the identity of said mobile processing system."

In fact, this is not what *Ritter* teaches. Instead, *Ritter* teaches permitting building access based on the identify of the *person*, not on the identity of the mobile processing system.

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[12] *Richton*, abstract.
[13] *Ritter*, U.S. Patent No. 6,657,538.
[14] *Lumme*, U.S. Patent No. 5,554,832.

Ritter teaches a system that authenticates a person on the basis of biometric data about that person. In *Ritter*, the user provides a SIM card **3** to a secured device **13**. This secured device **13** can be a building access device.[15]

The SIM card **3** has stored thereon certain biometric data about the person. The secured device **13** is capable of inspecting the person to obtain his biometric data. The secured device **13** then compares this measured biometric data with that stored in the SIM card **3**. If the measured biometric data matches that stored in the SIM card **3**, the secured device **13** permits itself to be used by the person. In the case in which the secured device **13** permits building access, that person would be allowed to enter the building.

It is clear that if another person were to use the SIM card **3**, that person would *not* be allowed to use the secured device **13**. This is because the biometric data on the SIM card **3** would no longer match the biometric data measured by the secured device **13**. This behavior is inconsistent with claim 2's limitation of "permitting building access" "on the basis of the identity of said *mobile processing system*."

Contrary to what the claim requires, *Ritter* does not permit building access on the basis of the identity of the mobile processing system. Instead, it does so on the basis of the identity of a person. Accordingly, even if one were to combine *Calvert* and *Ritter*, the result would not be the claimed invention.

Motivation to combine references is flawed

The Examiner suggests that one of ordinary skill in the art would have found it obvious to modify *Calvert* as disclosed by *Ritter* "for determining the authenticity of a user or a group of users of a communication terminal device."[16]

According to the Examiner's reasoning, if one of ordinary skill in the art were to modify *Calvert* as described by *Ritter*, the result would be a system in which each of the *Calvert* wireless devices **101** would be equipped with biometric sensing equipment just like *Ritter*'s cell phone **1**.

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[15] *Ritter*, col. 5, lines 33-36.
[16] Office Action, page 8.

In this hypothetical system, the user would provide a SIM card, much like *Ritter*'s SIM card **3**. According to the Examiner, this modification would enhance security of a communication terminal device.

There is nothing in *Calvert* that is remotely relevant to building access. The technical problem *Calvert* solves is that of providing location specific information to users of cell phones **101**. The Examiner proposes to improve *Calvert*'s system by enhancing the security of its cell phones **101**. Building access devices have nothing to do with enhancing security of cell phones.

Accordingly, the only modification of *Calvert* that one of ordinary skill in the art might find obvious is that of using biometric data in connection with authenticating cell phones. This would have nothing at all to do with "permitting building access" "on the basis of the identity of said mobile processing system" as required by claim 2.

Calvert and *Lumme*

In rejecting claim 2 as being rendered obvious by the combination of *Calvert* and *Lumme*, the Examiner suggests that *Calvert* teaches all limitations of claim 2, but without the local server being configured "to perform a function on the basis of the identify of said mobile processingsystem, said function being selected from the group consisting of:…controlling an elevator in said building."

The Examiner draws attention to *Lumme* as teaching the idea of "controlling an elevator in said building" and doing so "on the basis of the identity of said mobile processing system."

Lumme discloses controlling an elevator with a remote control. According to *Lumme*, there are two kinds of remote control: a normal remote control **1**, used by passengers, and a special remote control **22**, used by servicemen to carry out functions different from those provided by the normal remote control **1**.

It does not appear, however, that either type of remote control would control an elevator on the basis of the identity of that remote control. As best understood, each remote control can

perform the functions of any other remote control. Hence, the identity of the remote control is completely irrelevant to its function.

It is true that the special remote control **22** can do things that the normal remote control **1** cannot. But this is not because of the *identity* of the special remote control **22**. It is because the special remote control **22** is a completely different type of device to begin with.

Accordingly, *Lumme* fails to teach anything like "controlling an elevator in said building" "on the basis of the identity of said mobile processing system (i.e. the remote control **1**, **22**)".

The Examiner suggests that one of ordinary skill in the art would have found it obvious to modify *Calvert*'s data communication system to include elevator remote controls like *Lumme*'s "in order to provide a method of a remote controller linkage to an elevator system."

However, *Lumme* all by itself is capable of providing a remote control link to an elevator system. Thus, one of ordinary skill in the art who wished to "provide a method of a remote controller linkage to an elevator system" would have looked no further than *Lumme*. He would certainly have had no reason to modify a data communication system.

A rejection for obviousness requires that the Examiner provide some objectively plausible basis for modifying the reference to arrive at the claimed invention. In this case, the Examiner suggests that one of ordinary skill in the art who wished to provide a remote control link to an elevator system would have begun with, of all things, a system for sending information to a cell phone about nearby places to find particular goods and services. This is not plausible because controlling elevators has little to do with finding particular goods and services.

(8)   Conclusion

Please apply the brief fee of $510, along with any other charges or credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 09651-014001.

Respectfully submitted,

Date: _July 16, 2008_

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Appendix of Claims

1.   A communication system comprising:

  a stationary transceiver defining an information portal in a vicinity thereof; and

  a local server in communication with said transceiver, said local server being configured

    to respond to entry of a mobile processing-system present within said
      information portal, and

    to provide, to said mobile processing system, data previously requested for said
      mobile processing system prior to entry of said mobile processing system
      into said information portal.

2.   A communication system comprising

  a stationary transceiver defining an information portal in a vicinity thereof;

  a local server in communication with said transceiver, said local server being configured

    to identify and respond to a mobile processing-system present within said
      information portal, and

    to perform a function on the basis of the identity of said mobile processing-
      system, said function being selected from the group consisting of:

        permitting building access to a portion of said building; and

        controlling an elevator in said building.

6.   The communication system of claim **2**, further comprising an access control unit in
      communication with said local server, said access control unit being controlled by said
      local server on the basis of the identity of said mobile processing-system.

7.   The communication system of claim **1**, wherein said stationary transceiver is selected
      from the group consisting of a radio transceiver, an optical transceiver, an infrared
      transceiver, and an acoustic transceiver.

8.   The communication system of claim **1**, wherein said stationary transceiver is disposed at
      a location selected from the group consisting of an elevator, a building lobby, and a
      vehicle.

9.   The communication system of claim **1**, wherein said local server and said stationary
      transceiver are in communication across a local area network.

10.   The communication system of claim **1**, wherein said local server and said stationary
      transceiver are in wireless communication across a local area network.

11.   The communication system of claim **1**, further comprising a fulfillment server in
      communication with said local server, said fulfillment server having access to a wide area
      network.

12.   The communication system of claim **11**, wherein said local server comprises a cache for
      temporary accumulation of information from said fulfillment server to be relayed to said
      mobile processing system.

13.   The communication system of claim **11**, wherein said wide area network comprises a
      global computer network.

14.   The communication system of claim **11**, wherein said fulfillment server includes a user-
      interface for enabling a user to cause said fulfillment server to collect selected
      information.

15.   The communication system of claim **14**, wherein said fulfillment server is configured to
      provide said selected information to said local server when said local server identifies,
      within said information portal, a mobile processing unit associated with said user.

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16.   The communication system of claim **14**, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition.

17.   The communication system of claim **16**, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user.

18.   The communication system of claim **16**, wherein said fulfillment server is configured to provide interactive services to said mobile processing unit.

19.   A communication system comprising:

     a plurality of stationary transceivers, each configured for wireless communication with a mobile processing system present in a corresponding information portal; and

     a server system in communication with each of said stationary receivers, said server system having a link to a global computer network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal.

20.   A method for providing a mobile processing system with wireless access to a global computer network, said method comprising:

     maintaining an information portal;

     establishing wireless communication between said mobile processing system and a server system following entry of said mobile processing system into said information portal; and

causing data previously requested for said mobile processing system prior to entry of
said mobile processing system into said information portal to be provided to said
mobile processing system, in response to entry of said mobile processing system
into said information portal.

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Evidence Appendix

None.

Related Proceedings Appendix

None.